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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,080	04/08/2004	Hans-Dieter Willim	298-224	1133
28249	7590	02/24/2006		
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			EXAMINER BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,080

Applicant(s)

WILLIM, HANS-DIETER

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **For example:**

- a. In claim 1, line 6, the term "said support device" lacks antecedent basis within the claim.
- b. In claim 11, it is unclear as to whether trucks of two different widths is being claimed, as the term "in particular" fails to positively require the limitation.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Guinot in view of Moussu. Guinot shows the basic claimed traveling crane comprising:

- a superstructure (3) that can be turned about an upright axis and carries a jib (5) with hoisting means (11);
- a truck (2) with track laying gear that carries the superstructure (3) and a supporting device (1) with several outriggers (14 and 15);
- wherein the supporting device (1) is arranged to be raised and lowered;
- the superstructure (3) as well as the truck (2) can be turned about the supporting device (1) about an upright axis.

Guinot varies from the claims by not stating that the outriggers (14 and 15) are arranged to lift the truck (2) from the ground. Moussu shows a similar crane with the outriggers (13) arranged to raise the vehicle wheels from the ground, as to have the vehicle and load weight resting on the supporting ground through the largest dimensions, column 2, lines 119-128. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the crane of Guinot by having the outriggers arranged to lift the truck (2) from the ground to have all the loading through the wider spread outrigger supports, as taught by Moussu. Re claim 2 and others; Guinot has the dual rotation claimed, but uses a single motor not a pair of motors. It uses the earth-working equipment as brake with the ground and uses locking pins (20 and 30) to achieve the relative rotational movements. Moussu shows a related dual turntable arrangement with two motors (20 and 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the crane of Guinot by using two motors instead of one, as to simplify the rotating procedure, as taught by Moussu. The type of coupling used for the revolving connection(s), "rapid action" as recited in claims 3 and 12, would have been an obvious design

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expedient within the level of routing skill in the art at the time the invention was made by applicant. Note also that the term "rapid" is a relative term. The supporting device of Guinot has portions (the outer edges of shoes 21 and 22) which contact the ground beyond the turning radius of the tracks, as recited in claims 5 and 17-20. Using a computer processor as to control the crane with specific safeguards, as recited in claims 6, 7 and 20, would have been within the limits of routine skill in the art as computer processors are well known in this art. The relative width of the truck with respect to the length of its tracks, as recited in claim 8, is an obvious design consideration, within the limits of routine skill in the art at the time the invention was made by applicant. Guinot has two bearings (28 and 29), as recited in claim 9, that are considered as inherently having "separable" couplings, as recited in claim 10. The supporting device (1) inherently can be placed on track laying gears of different widths, as long the bearings don't vary, as recited in claims 11 and 14. The outriggers (14 and 15) pivot outwardly and inwardly, as recited in claim 13. The truck can be turned when off the ground, as recited in claims 15 and 16.

5. LeTourneau, Phillips, Read and Parquet et al are cited as showing crane vehicles with outriggers which lift the vehicle's wheels or tracks from the ground.

6. Applicant argues in the amendment filed December 8, 2005, that the Moussu reference has the outriggers connected lower truck, not to the intermediate supporting structures, as recited in claim 1. However the primary reference of Guinot has this structure as its outriggers (14 and 15) are mounted on the middle supporting structure (1). Moussu was only used to teach providing each turntable with a separate motor. Applicant also argues that truck width to track length limitation of claim 8 would not be an obvious design consideration, as such a track as it would be difficult to steer. However figure 3 of shows such a truck width to track length dimension, and if the drawings were indicated as being to scale, Guinot would anticipate this limitation. Lacking a statement in the reference that the drawings are to scale, the limitation was deemed as being a design feature in the rejections. Applicant's remaining remarks have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR

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or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLB 2/17/06

Thomas J. Brahan
Primary Examiner
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